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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Edward Wechner Attorney file: 5610  
Serial No.: 10/050,679 Examiner: ALI, HYDER  
Filed: 01/15/2002 Group: 3747  
For: FREE-PISTON INTERNAL COMBUSTION PCT App.: PCT/AU01/00560  
ENGINE WITH VALVES LOCATED IN PISTONS

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on OCTOBER 29, 2003 by applicant's attorney, Carl L. Johnson.

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Carl L. Johnson  
Carl L. Johnson  
OCTOBER 29, 2003  
Date

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

COVER LETTER

Sir:

The applicant's attorney, Carl Johnson, received on August 28, 2003 a Supplemental Notice Of Allowance for the above-identified application indicating that the above-identified application contained an error in the claim of priority. The aforementioned Supplemental Notice Of Allowance also indicated that the above-identified application was filed as Domestic Application under 35 U.S.C. 111(a) and not as a National Stage Application under 35 U.S.C. 371 of PCT/AU01/00560.

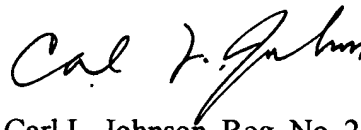
In order to correct the above, enclosed, please find a Petition for Acceptance of an Unintentionally Delayed Claim for Priority; a corroborating declaration from Mr. Michael Anderson-Taylor, a Credit Card authorization form (PTO-2038) in the amount of \$1,330.00 for payment of the fee for the Acceptance of an Unintentionally Delayed Claim for Priority.

Also enclosed is a Request for Change of Filing Status for a U.S. Non-Provisional Application to a U.S. National Stage Application along with copies of the international application (Exhibit A), international search report (Exhibit B), a request that the U.S. Basic National Fees be charged to the Applicant's deposit account (Exhibit C), a small entity statement (Exhibit D), a combination Declaration and Power of Attorney with the application (Exhibit E), a cover letter (Exhibit F) dated January 15, 2002 specifically requesting the entrance of the U.S. National Phase of the subject PCT Application and Applicant's response to Office Action dated April 1, 2003 dated May 21, 2003 (Exhibit G).

Respectfully submitted,

**JACOBSON AND JOHNSON**

By



Carl L. Johnson, Reg. No. 24,273

Attorneys for Applicant  
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CLJ/cj  
Enclosure



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**ACCEPTANCE OF AN UNINTENTIONALLY  
DELAYED CLAIM FOR PRIORITY**

Sir:

This application was filed as a U.S. National Stage application of an International PCT application but was incorrectly listed as a national application. The appropriate papers to correct the filing status of the above-identified application to a U.S. National Stage application is filed herewith.

11/06/2003 SLUANG1 00000003 10050679  
01 FC:1454 1330.00 OP

The applicant's attorney, Carl Johnson, received on August 28, 2003 a Supplemental Notice Of Allowance for the above-identified application indicating that the above-identified application contained an error in the claim of priority. This was applicant's attorney's first awareness of an error in the claim for priority for the above-identified application.

In receiving the Supplemental Notice Of Allowance, the applicant's attorney immediately reviewed the Applicant's attorney's office files for the above-identified application. In reviewing the attorney's Office file for the above-identified application, it has come to the Applicant's attorney's attention that the combination Declaration and Power of Attorney that was submitted with the above-identified application contained a claim of priority to Australian Provisional Patent Application Serial No. PQ8065 when the above-identified application should have claimed priority to a later filed Australian Non-Provisional Patent Application Serial No. 42050/01.

It is noted that the claim of priority to Australian Provisional Patent Application Serial No. PQ8065 in the combination Declaration and Power of Attorney was redundant since there was no need to claim priority to Australian Provisional Patent Application Serial No. PQ8065 as priority to Australian Provisional Patent Application Serial No. PQ8065 would have been received by way of International PCT Application Serial No. PCT/AU01/00560. The applicant thus submits that there are two claims for priority for the above-identified application. That is, a first claim of priority stemming from Australian Provisional Patent Application Serial No. PQ8065 by way of International PCT Application Serial No. PCT/AU01/00560 and a second claim of priority stemming from later filed Australian Non-Provisional Patent Application Serial No. 42050/01.

The Applicant's attorney submits that the error in the combination Declaration and Power of Attorney claiming priority to Australian Provisional Patent Application Serial No. PQ8065 instead of Australian Non-Provisional Patent Application Serial No. 42050/01 was unintentional as it was the Applicant's Attorney's understanding that the above-identified application was to have an additional claim of priority to Australian Non-Provisional Patent Application Serial No. 42050/01. The aforementioned is supported by the fact that the applicant's attorney submitted a priority document comprising of a certified copy of Australian Non-Provisional Patent Application Serial No. 42050/01 with the Office in compliance with Rule 35 U.S.C. 119(b) on June 9, 2003.

Also included is a corroborating declaration from Mr. Michael Anderson-Taylor, an Australian Associate whose firm prepared the combined Declaration and Power of Attorney for the above-identified patent application.

In view of the above, the Applicant's attorney respectfully request that the priority claim for the above-identified application be amended to claim of priority to Australian Non-Provisional Patent Application Serial No. 42050/01. It is submitted that the claim for priority to Australian Provisional Patent Application Serial No. PQ8065 through International PCT Application Serial No. PCT/AU01/00560 remains in place.

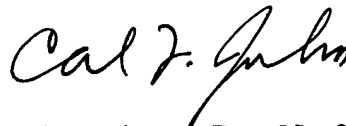
It is submitted that the error in the combination Declaration and Power of Attorney claiming priority to Australian Provisional Patent Application Serial No. PQ8065 instead of Australian

Non-Provisional Patent Application Serial No. 42050/01 was unintentional. If any fees are due, such as the fee acceptance of an unintentionally delayed claim of priority under Rule 37 CFR 1.17(t), please charge the fee(s) to deposit account 10-0210. It is for the aforementioned reason that the applicant's attorney further request that a new notice of allowance be sent to the applicant's attorney with the notice setting forth the proper claim of priority.

Respectfully submitted,

**JACOBSON AND JOHNSON**

By



Carl L. Johnson, Reg. No. 24,273

Attorneys for Applicant

Jacobson and Johnson

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Carl L. Johnson  
Carl L. Johnson

October 29, 2003  
Date

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CHANGE OF FILING STATUS  
FROM U.S. NON-PROVISIONAL APPLICATION  
TO U.S. NATIONAL STAGE APPLICATION**

Dear Sir:

This communication is in response to the Office's Supplemental Notice Of Allowance dated August 28, 2003 for the above-identified application in which the Office indicated that the above-identified application was filed as domestic application under 35 U.S.C. 111(a) and not as a national stage application under 35 U.S.C. 371 of PCT/AU01/00560. It is submitted that the aforementioned designation of the above-identified application as being filed under 35 U.S.C. 111(a) is in error as the Application specifically requested that the above-identified application

be filed as a U.S. National Stage application under 35 U.S.C. 371 stemming from international PCT Application Serial No. PCT/AU01/00560.

The above is supported by the fact that the Applicant, in filing the above-identified application with the Office, met all the requirements of Rule 35 U.S.C. 371. More specifically, in filing the above-identified application as a National Stage application under 35 U.S.C. 371 of PCT/AU01/00560, the applicant included a copy of the international application (Exhibit A), a copy of the international search report (Exhibit B), a request that the U.S. Basic National Fees be charged to the Applicant's deposit account (Exhibit C), a small entity statement (Exhibit D), and a combination Declaration and Power of Attorney with the application (Exhibit E). Copies of the aforementioned are enclosed. The Applicant also enclosed a cover letter (Exhibit F), dated January 15, 2002, specifically requesting the entrance of the U.S. National Phase of the subject PCT Application. A copy of the aforementioned cover letter is also enclosed.

The above is further supported by the Applicant's response dated May 21, 2003 (Exhibit G) to Office Action dated April 1, 2003 wherein the Office objected to Figure 1 of the drawings as due to copy machine markings and poor line quality. (A copy of the Applicant's response dated May 21, 2003 is enclosed.) The Applicant's response laid out the Applicant's prior oral communication with Draftsperson Randolph also of May 21, 2003 in which the Applicant questioned the draftsperson why the drawing(s) of a U.S. National Stage Application stemming from a PCT application was objected to "as it was the applicant's understanding that drawings from a PCT international application are transferred from the PCT Office to the U.S. Patent Office for a U.S. National Stage patent application." (See page 1 of the Applicant's response dated May 21, 2003.) The Applicant's attorney was advised by Draftsperson Randolph that the



requirements in some international patent offices may be different from the requirements of the U.S. Patent Office. (See page 1 of Exhibit G.)

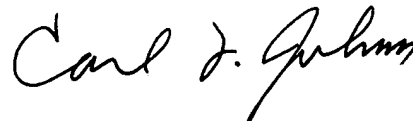
Due to the above facts, the Applicant was under the belief that the above-identified application was being prosecuted by the Office as a U.S. National Stage patent application under Rule 35 U.S.C. 371 until the Applicant reviewed the Office's Supplemental Notice Of Allowance dated August 28, 2003.

In light of the above, the applicant respectfully request that the present application be reassigned as a national stage application. Please charge any fees to the Applicant's Deposit Account No. 10-0210.

Respectfully submitted,

**JACOBSON AND JOHNSON**

By



Carl L. Johnson, Reg. No. 24,273

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